

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**Z.W. an infant, by her next friend
and legal guardians, DONALD CHANDLER
and TAMMY CHANDLER,**

Plaintiffs,

vs.

CIVIL ACTION NO. 2:19-CV-00699

**THE SALVATION ARMY and
THE SALVATION ARMY, doing business as
SAINT ALBANS BOYS AND GIRLS CLUB,**

Defendants.

ORDER

On January 22, 2020, in compliance with the deadline provided in the Scheduling Order, Plaintiffs by counsel, filed their **Motion to Amend Complaint** (ECF No. 15) pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure. Plaintiffs represent that their Motion seeks to correct the names of the various Defendants as well as identify the real parties in interest in this civil action. Plaintiffs state that it was determined during discussions with counsel for Defendant that The Salvation Army and the Boys and Girls Club are two separate entities, although at this time, Plaintiffs have not yet determined the connection between the two given that the child care facility is named Saint Albans Boys and Girls Club. Plaintiffs further assert that good cause exists for this Motion because the proposed Defendant to be added to this action has a joint venture/enterprise and/or agency relationship with the present Defendant, that the proposed Defendant has permitted its name to be used in the operation of the Saint Albans Boys and Girls Club, and that present Defendants are not prejudiced by the Amended Complaint because it is or should be aware of the circumstances that gave rise to this cause of action. Additionally, the Court notes that Plaintiffs' Motion appears not to be the product of an improper motive, undue delay,


bad faith or repeated failure to cure any deficiency by previous amendments and that discovery has only recently begun.

Rule 15(a)(2) expressly provides that a court should freely give leave to a party to amend its pleading when justice so requires and this Circuit's long-standing jurisprudence holds such motions to amend are typically granted, especially under the circumstances presented herein. See Harless v. CSX Hotels, Inc., 389 F.3d 444, 447 (4th Cir. 2004); Edwards v. City of Goldsboro, 178 F.3d 231, 243 (4th Cir. 1999). Accordingly, the Court **GRANTS** Plaintiffs' **Motion** (ECF No. 15) and directs Plaintiffs to file their Amended Complaint within thirty (30) days of entry of this Order.

The Clerk of the Court is requested to send a copy of this Order to all counsel of record.

ENTER: January 23, 2020.




Omar J. Aboulhosn
United States Magistrate Judge